

APPEAL NO. 040380  
FILED APRIL 1, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 28, 2004. The hearing officer determined that the compensable injury of \_\_\_\_\_, does not include cervical spine MRI findings dated March 12, 2003 “(1. Left central disc protrusion at C6-7 and to a lesser extent C5-6. This represents a 5 mm protrusion at C6-7. 2. C3-4: Minimal central disc protrusion effacing the CSF anterior to the cord).” The appellant (claimant) appeals and the respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determination and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed. Whether or not the claimant's \_\_\_\_\_, compensable sprain/strain injury to his cervical spine and right shoulder includes the cervical spine MRI findings of March 12, 2003, presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence, including the medical evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Although there was conflicting evidence presented on the disputed issue, there was evidence from which the hearing officer could find that there was insufficient medical evidence to establish a causal relationship between the claimant's cervical spine MRI findings dated March 12, 2003, and the compensable injury of \_\_\_\_\_. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determination is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **FIREMAN'S FUND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Michael B. McShane  
Appeals Panel  
Manager/Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Edward Vilano  
Appeals Judge